

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dave S. B. Hoon et al.

Serial No: 10/713,808

Filed: November 14, 2003

For: DETECTION OF MICROMETASTASIS OF
MELANOMA AND BREAST CANCER IN
PARAFFIN-EMBEDDED TUMOR
DRAINING LYMPH NODES BY
MULTIMARKER QUANTITATIVE RT-PCR

Art Unit: 164 2

Examiner: Sean E. Aeder

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION (37 C.F.R.
§ 1.321(c))**

I hereby certify that this correspondence
is being transmitted via electronic filing
to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on
05/13/2008

Date of Deposit

Vivian Gutierrez

Name
Vivian Gutierrez 05/13/2008
Signature Date

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

IDENTIFICATION OF PERSON MAKING THIS DISCLAIMER

I, Y. Jenny Luo, represent that I am

- ☐ an applicant
- ☐ an assignee
- ☒ a representative authorized to sign on behalf of the assignee identified
below owning all of the interest in this application.

The assignee is:

Name of assignee

John Wayne Cancer Institute

Address of assignee

St. John South Health Center
2200 Santa Monica Boulevard
Santa Monica, California 90404

Title of disclaimant
authorized to sign on
behalf of assignee

Patent Agent of Record

RECORDAL OF ASSIGNMENT IN PATENT OFFICE

- ☒ The assignment was recorded on June 14, 2004 at
Reel No. 015447
Frame No. 0089
- ☐ authorization for recordal of the assignment is separately attached

EXTENT OF INTEREST

The extent of the interest is in

- ☒ the whole of this invention
- ☐ a sectional interest in this invention as follows:

DISCLAIMER

John Wayne Cancer Institute hereby disclaims the terminal part of a patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- ☐ United States Patent No. ____ as presently shortened by any terminal disclaimer
- ☒ any patent granted on application serial No. 11/227,575,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- ☐ United States Patent No. ____
- ☒ any patent granted on application serial No. 11/227,575,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

John Wayne Cancer Institute does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- ☐ United States Patent No. ____ as presently shortened by any terminal disclaimer
- ☒ any patent granted on application serial No. 11/227,575,

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

FEE STATUS
(37 C.F.R. § 1.20(d))

- ☐ Other than small entity
- ☒ Small entity

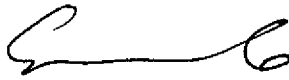
FEE PAYMENT

- ☐ Attached is a check in the sum of \$_____.
- ☐ If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.
- ☒ Charge Account No. 50-1314 the sum of \$65.00. A duplicate of this disclaimer is attached.

Undersigned further declares that the evidentiary documents establishing ownership by the assignee have been reviewed and certifies that to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: May 13, 2008

By: 
Y. Jenny Luo, Ph.D.
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Patent Agent for Applicants and Assignee

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